

Board of Commissioners
March 5, 2007 – 8:45 a.m.

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Leiberling and Board Attorney Lueken were present.

Minutes

February 5, 2007 and February 16, 2007. Leiberling made a motion to approve. Logsdon seconded. All in favor.

Claims

Logsdon made a motion to approve. Leiberling seconded. All in favor.

Lamar Conservancy District Appointment.

The Lamar Conservancy District made a request for Lenn Stein to be reappointed to the board. Leiberling made a motion to reappoint Lenn Stein. Logsdon seconded. All in favor.

SIHO

Logsdon made a motion that based on the savings that the county will receive, the county continue to use SIHO Select. Leiberling seconded. All in favor.

Engineer Report

Engineer Holstein stated that the Commissioners need to decide who will do the land surveying and the right-of-way engineering for the Orchard Road project. She will do the design of the project. Rininger suggested getting a couple quotes. Holstein will have by the next meeting. Logsdon asked what Holstein felt was the best way to handle the intersection of the roads. Holstein stated she felt it should be a four point intersection, with the roads lining up. Holstein stated it will have to be decided if it should be a four-way stop or a two-way stop. Rininger stated that he feels it should be a four-way stop to slow down traffic before getting to the school. Holstein stated she will also have two speed ordinances for the Commissioners to sign next meeting. Logsdon asked about Bridge #292 south of Newtonville. Holstein stated it is still closed and she is waiting on a soils report. Painter stated it looks like a new abutment will need to be put in. Holstein stated they should be able to use the original plans for the bridge.

Bridge #91 Bid Opening – Holstein stated the engineer estimate of the project is \$123,700. Attorney Lueken opened the bids.

CLR, Inc. - \$84,297.50

Ragle, Inc. - \$155,027.00

Youngblood Farms, Inc. – \$60,986.00

DK Parker Co., Inc. - \$98,816.70

Holstein checked over the bids, all were in order. Logsdon moved to award the bid to the low bidder, Youngblood Farms, Inc. Leiberling seconded. All in favor.

Spencer County Website

Rininger explained that a formal request must come from the Commissioners to the Director of IN.gov, in order for the county to use spencerco.in.gov as the official Spencer County government website domain name.

Logsdon made a motion to make the request. Leiberling seconded. All in favor.

Sale of Electronic Data

Auditor Shelton explained that she and Rininger met with representatives of the offices affected by the sale of the electronic data to get input on whether it should be sold if it is to be re-sold by the purchasing company. Everyone agreed that the data is public record and can be sold for re-sale and by doing so the county could benefit by making data available to potential businesses and people that may be looking to move into the area. Rininger stated the recommendation of the meeting was to make the data available, but not to compile the information together into a more usable form for them. Logsdon asked if an ordinance is needed. Lueken stated that would be the most efficient way to handle it. There is already an ordinance in place regarding the sale of the electronic map data, but not the tax data. Lueken stated the issue of liability needs to be addressed. A requirement should be incorporated that the company should indemnify and hold harmless the county from any claims that might be made against them from the use or the misuse of the data. Rininger stated the county would not be supplying any social

security numbers or phone numbers. Lueken stated he can see if other counties have already addressed the liability issue and report back at the next meeting.

Highway Report

Vectren Utility Pole Replacement Project – Mark Lubbehusen of the Soil and Water Board stated that the Commissioners passed an ordinance for erosion control (1999-09) and he asked the commissioners to enforce the ordinance against those violating it. Logsdon stated that Lubbehusen mentioned at a previous meeting that with the construction of the new 231 there are many violations, and that will be discussed at a different time. Lubbehusen said he has notified Ronald Boehm of IDEM about violations made by Vectren. Lueken stated that this discussion was initiated when the highway garage received several reports of residents unable to pass through roads. Boehm of IDEM gave a presentation first explaining Indiana Rule 5 and then showing the extent of the violations by Vectren during their pole replacement project. Rule 5 established requirements for storm water discharges from construction activities of one (1) acre or more so that the public health, existing water uses, and aquatic biota are protected. Exemptions from Rule 5 include farming activities, forest harvesting, routine road and ditch maintenance, coal mining with permits, and activities disturbing less than one acre and are not part of a larger common plan of development. The site owner who is not exempt is responsible to ensure compliance with Rule 5 throughout the entire project and stabilize all disturbed areas. Boehm showed several slides showing the disturbed areas including drains, roads and land. Boehm said he has spoken with Vectren and they have employed Morley and Associates to draft their erosion and sedimentary control plan, but he has not seen it yet. Logsdon asked if companies are required to present IDEM with a plan. Boehm said yes, if they are going to disturb more than one acre. Jim Francis, Director of Engineering with Vectren, stated that the nature of their business causes these problems, and Gary Thien, the project engineer with Vectren, is putting a plan in place to work with the property owners to put land back in place. Rininger stated the expectation is that you will follow our ordinances and the rules of the state. Logsdon stated that since Vectren knew that they were doing the work during a time of year when it was not going to be dry, are they required to contact the local county government and file permits even though it is on their right-of-way. Thien stated he is unsure if they are required to, but they never have in the past; going forward, they will contact the county. Thien also stated that they are working hard to get in compliance. Friday the 23rd was the first they have heard of these problems and ever since the notification they have been working toward getting into compliance. Morley and Associates have been hired to work on these issues. Logsdon requested that in the future the county be notified before the fact. Logsdon also stated that the erosion control ordinance does not deal with assessing damages. Highway Superintendent Painter stated he has received phone calls from people along CR 900 N saying they could not get out on to the road. He sent rock and a grader to help the residents, and he contacted Vectren. He was told to keep track of the hours and material and Vectren would take care of it. Painter prepared a bill and was paid by Vectren for the repair of that section of the road. Painter stated the road needs to be bonded. Rininger said bonding needs to be done before hand so the condition of the road can be documented. Logsdon asked if Vectren was progressing toward the South or toward the North. Thien stated they are moving south. Logsdon relayed a problem he witnessed with a road block done by the subcontractor in which cars were lined up on the blind side of a hill and an accident was narrowly avoided. Boehm stated that what is disturbing is that Vectren is going to continue forward while they are developing a plan. He feels they should correct the problem before moving forward. Thien stated that the reason they have not stopped construction is because of the time frame they are working with; the project needs to be done by this summer to deal with the energy needs of the summer. Rininger suggested that Vectren continues to work with Painter and IDEM. Painter asked if Vectren would be responsible for the repair of the roads. Thien stated as long as it is fair that is not a problem. Rininger stated the roads further south need to be bonded to cover the county and Vectren. Logsdon asked what supercedes with an environment concern, county government or IDEM. Boehm stated it comes from the EPA to IDEM to county government, but IDEM and county government can set restrictions simultaneously. Lueken stated that in applying the county's ordinance, it anticipates ten working days after inspection to determine compliance or non-compliance which would be March 12th. Then if non-compliance is found an additional 5 working days is given, bringing the date to March 19th, before a third inspection is done. At that point if non-compliance is found a stop work order can be issued. Rininger asked Boehm to act as agent for the county and IDEM. Thien stated that Morley and Associates are working on a plan and Vectren is getting it into the hands of the subcontractors. Boehm stated the most important thing is the containment

of the areas that are already disturbed. Thien stated he is working with a July 1st deadline. Logsdon asked Boehm to work with Vectren to help them with their deadlines. Thien stated he will correct the flagging problems. Rininger stated the commissioners will check on the progress at the next meeting on March 20th. Logsdon stated he appreciated the work Boehm did with the presentation and the work leading up to it.

Major Moves / Equipment purchase – Assistant Highway Superintendent Wirthwein told the commissioners that the council tabled the request for \$100,000 of the Major Moves money, because they would prefer to pay for equipment upfront by using \$371,000 of the money and save the interest. Wirthwein presented 3 additional options: (1) use \$100,000 of Major Moves for two years with \$37,500 paid in interest, as previously proposed (2) use \$125,000 of Major Moves for two years with \$25,200 paid in interest, or (3) \$150,000 for two years with \$13,000 paid in interest. Lueken stated what needs to be considered is what is being given up in terms of road work if the money is paid upfront. Logsdon stated that at one time the commissioners were looking at using Major Moves money to improve CR 350N to help with economic development at an estimated cost of \$750,000. If the plant moves in, option (3) would leave the county \$556,000 in Major Moves money to improve that road; where would the balance come from. Painter said it would have to come from CEDIT. Logsdon asked Councilman Gogel who was present if this would be more acceptable to the council. Gogel stated he can only speak for himself, but yes, because the original proposal with \$47,000 being paid in interest was an awful lot of money. Logsdon stated that the Major Moves money came to the county to help with economic development and if it is spent all on equipment, none will be left for economic development. Rininger stated the Major Moves money should be used in the same fashion as the CEDIT funds. He stated the commissioners do not need to ask permission of the council to use the money in that fashion. The Major Moves money as far as he is concerned should go toward infrastructure. He further stated that each board has their role, and the council should not tell the commissioners how things should be funded. Painter stated he thought the Major Moves money could be spent on anything that the highway's motor vehicle money is spent on. Logsdon added that it was given with a major emphasis on upgrading roads and economic development. Logsdon stated if a plant agreed to move to Spencer County today, it would be three years before they would be up and running. He asked if the interest from the Major Moves money is going back into the highway or to county general. Shelton stated it goes into county general. Logsdon stated that the interest on the money over the next three years could help pay for the road project. Logsdon made a motion to purchase the proposed equipment by using the third option of \$150,000 of Major Moves money for the next two years. Leiberling seconded. Logsdon and Leiberling voting for and Rininger voting against. The motion passes.

Chip and Seal Roads – Painter stated that all of the chip and seal roads are coming apart because of the freeze and thaw. Many have been down for six or seven years. District money was used to put them down originally. If district money is used again to repair them, the budget will not cover all of the roads. Logsdon asked when he will know how much is needed to repair them. Painter stated probably April, and some may need to be upgraded to asphalt.

EMA

Perdue asked the commissioners to sign an amendment to the grant for the courthouse security. Leiberling made a motion to sign. Logsdon seconded. All in favor.

County Corrections Board

Prosecutor Jon Dartt stated he is wanting to get a county correction board set up. Spencer County has many different corrections programs, such as work release, drug court, community service, home detention by electronic monitoring, and the potential for faith based programs like The Way. With a community corrections advisory board in place, additional funding would be available through the state. He has spoke with the Judge and the Sheriff and they are in agreement this is a good idea. The first step is for the county commissioners to authorize by resolution to set up a community corrections board. The second step is to set up a community corrections fund. He is not asking for money at this time, just to get the mechanism in place so the board can request funds through grants. He feels it would be cost effective for the county and if it is not, the board can be dissolved. Dartt gave the commissioners a copy of the resolutions passed in Warrick County and Dubois County as a reference. The board would be administered through the Auditor's Office. Logsdon made a motion for Lueken to prepare a resolution by the March 20th meeting. Leiberling seconded. All in favor. Conner, representing The Way, stated he is in favor of having the corrections board.

Cost Allocation Services

Charles Malinowski stated that currently the county uses Maximus for the cost allocation services. The reason the cost allocation is done is to get indirect costs that are reimbursable, back to the county general. Logsdon asked if he could insure the child welfare reimbursement process is current. Malinowski stated yes; he just finished working with the clerk to revise her claims for the last two years and found that she was under billing the state by about \$11,000. He has structured his fees in a way that 66% is reimbursable by the state. The current contract the county has with Maximus is for \$4,500 a year and because of the way the contract is worded it is not reimbursable by the state. His contract allows for his fees to be reimbursed by the state. He is starting at a discount of 25% to 30% off of Maximus, plus approximately 64% will be reimbursed by the state. If the county signed a 3 year agreement his fee would end up being only \$1,134 per year, a 75% savings over what the county is currently paying. Logsdon made a motion to table until the March 20th meeting. Leiberling seconded. All in favor.

Fuel Cards

Auditor Shelton explained that the county can sign up for FuelMan Mastercards. The cards can only be used to purchase fuel and each user has to input the mileage on the vehicle. There is no monthly fee. If we experience a problem, card can be immediately turned off. The use can be tracked individually. Leiberling made a motion to use these cards. Logsdon seconded. All in favor.

Maintenance Report

Maintenance Supervisor Joe King said he knew that Universal drew up some plans for the rotunda but he was unsure if he was to get a contractor or how it was to be handled. Lueken gave the commissioners copies of the plans prepared by Universal Design. Lueken stated that Schipp said it was not a complicated project but the contractor needs to make sure it is anchored properly. Logsdon asked King if he will feel comfortable walking on this and King said yes. King stated that Mominee currently has boards in place and they will sell them to the county at a reasonable rate. Logsdon asked if vertical conduit can be put up and rope ran around to help in case of a fall. King said yes. King also asked that the lights be re-wired, because they are currently coming on from dusk to dawn. He would like a switch installed to be able to turn them off. The bulbs cost \$40+ each. Rininger suggested that as the bulbs get replaced they be replaced with florescent bulbs, even though they are more expensive, they last much longer. Lueken asked who will contact the contractors to build the walkway. King stated he will take care of it and will contact the auditor on when to put it back on the agenda.

Old EMT Building Demolition

King stated that he received two bids and both will work with the county if the highway wanted to haul away the block. Both have agreed that the quotes will stay the same if it takes a couple months to clean out the building. The bidders were Velpen C & D Fill Site, Inc. with a bid of \$12,000 and K & K Dirt Works with a bid of \$4,475. Logsdon made a motion to approve K & K Dirt Works. Leiberling seconded. All in favor.

Ameresco

King reported that Ameresco started on the electrical last Wednesday. The plumbing has not been started yet. King stated the roof is in good shape.

Legal Report

Lueken stated we have contracts for the new Assessor software, but there is a problem and he is working with the company on it.

The mowing bid requests need to make sure they include the request for Spencer County and the Spencer County Board of Commissioners to be listed as additional insured, otherwise it should go forward. Leiberling made the motion to request bids for mowing. Logsdon seconded. All in favor.

Leiberling made a motion to adjourn. Logsdon seconded. All in favor. The meeting was adjourned at 11:50.

Board of Commissioners,

President
Attest:

Cindy Shelton, Auditor
